DLA PIPER US LLP Eric M. Falkenberry Andrew L. Deutsch 1251 Avenue of the Americas New York, New York 10020 (212) 335-4500 Attorneys for Plaintiff

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

PARTMINER INFORMATION SERVICES, INC.,

Plaintiff,

-VS-

AVNET, INC., THOMAS CASEY REED, JOHN KENNETH SHARPE, and NEIL R. VANEK,

Defendants.

07 Civ. 11482 (LMM)

AFFIDAVIT OF DAVID McBARRON IN SUPPORT OF **MOTION FOR PRELIMINARY** INJUNCTION AND EXPEDITED DISCOVERY

STATE OF COLORADO) COUNTY OF ARAPAHOE)

DAVID McBARRON, being duly sworn, deposes and says:

- I am over the age of 18 and the matters that I state in this affidavit are based on 1. my personal knowledge and the best of my recollection.
- I am a Director of Technical Services for PartMiner Information Services, Inc. 2. ("PartMiner").

- 3. From approximately May 2006 until May 2007, I worked with Jeff Dwyer, a former PartMiner account manager.
 - Jeff Dwyer left PartMiner when his employment contract expired in May 2007. 4.
- On or about May 9, Jeff Dwyer called me on the telephone and told me a number 5. of disturbing things about him going to work for our competitor, Avnet, Inc. ("Avnet"), including the following:
 - He was in Denver to interview with Casey Reed;
 - He had been in contact with Avnet for a while;
 - He has PartMiner pipeline reports for the entire year;
 - He was going to convert all of his PartMiner accounts to Avnet; and

· He has PartMiner prospects that he did not disclose to PartMiner which he would be closing for Avnet.

vorn to before me this

day of December, 2007

Commission Expires 10

NEWY1-8174986.1